

Application of Ordish et al. - Serial No. 09/010,919

Final issues:

Applicants appreciate the Examiner's indication of patentable subject matter in claims 50, 51, 53, 56-58, 61, 75, 76, 78, 81-83, 86, 100, 101, 103, 106, 107, and 111.

Pages 1-5 of the specification have been deleted without prejudice in response to the Examiner's objection to the specification. The remaining specification (i.e., without pages 1-5) is still complete and believed in full conformance with 35 U.S.C. § 112 and all other relevant requirements.

Rejections based on prior art:

1. Claims 43-45, 48, 49, 52, 54, 59, 62-70, 73, 74, 77, 79, 80, 84, 87-95, 98, 99, 104, 109, and 112-117 were rejected under 35 U.S.C. § 102(e) as being anticipated by Silverman et al.

Silverman et al. fail to disclose:

a "fourth signal" indicating acknowledgement of an acknowledgement of a received bid or offer, as in claims 43, 68, and 92;

"sending from the network to the first and second workstations an indication that the network acknowledges the acknowledgement from said second workstation," as in claims 54 and 79;

"sending from the networked processor to the first and second workstations an indication that the networked processor received the acknowledgement of the transaction," as in claims 59 and 84;

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“an output for outputting a first signal to said network, said first signal signaling a bid [or an offer] in response to said initial offer [or initial bid]”, or a “second signal,” as in claims 62 and 87;

“receiving an acknowledgement from said network indicating that a workstation originating said initial bid [or initial offer] has acknowledged said transmitted offer [or transmitted bid],” as in claims 63 and 88;

“fourth” and “fifth” transaction messages, as in claim 93;

“sending from the network to the first and second workstations an indication that the network acknowledges the acknowledgement from said second workstation,” as in claim 104;

“sending from the networked processor to the first and second workstations an indication that the networked processor received the acknowledgement of the transaction ,” as in claim 109;

“said receiver also receiving a third transaction message wherein said third transaction message indicates the acknowledgement of a receipt of said second transaction message by said second workstation” as in claim 112;

“receiving an acknowledgement from said network indicating that a workstation originating said first transaction message has acknowledged said second transaction message,” as in claim 113; and

“at least a third transaction message” and “at least a fourth transaction message,” as in claim 117.

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In addition, Applicants respectfully traverse the rejection of claims 67, 68, 79, 84, 87, 88, 92, 93, 104, 109, 112, 113, and 117 as anticipated, to the extent that the Examiner asserts that the "scope" of the subject matter set forth therein is similar to that claimed in claims 43, 54, 59, 62, 63, and 67. In order to establish anticipation under 35 U.S.C. § 102, the Examiner must show that every claimed limitation is expressly or inherently disclosed in the prior art. He has failed to do so in this case.

Furthermore, the Examiner incorrectly asserts that IXM update message 132 (see, for example, column 16, lines 4-5) is an acknowledgement signal as claimed in the above-noted claims. In fact, the IXM update message merely instructs clients 24 to update book databases 110, 112 after a match is made. See, for example, column 14, lines 15-17, and column 16, lines 4-14. Silverman et al. do not disclose that IXM update message is an acknowledgement or otherwise serves to acknowledge the receipt of certain signals as claimed in connection with the present invention.

In view of the foregoing, the above-noted independent claims are patentably distinguishable over the relied upon prior art, as are the respective claims depending directly or indirectly therefrom. Withdrawal of this rejection is therefore believed in order.

2. Claims 46, 47, 55, 60, 71, 72, 80, 85, 96, 97, 105, and 110 were rejected under 35 U.S.C. § 103(a) as being obvious over Silverman et al.

The claims in question depend directly or indirectly from the independent claims present in the case and discussed above relative to the anticipation rejection based on

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Silverman et al., which claims are patentably distinguishable over Silverman et al. for the reasons set forth above. Accordingly, the claims rejected here are patentably distinguishable over Silverman et al. at least by their dependence from the respective independent claims present.

In view of the foregoing, Applicant respectfully submits that all pending claims are patentably distinguishable over the relied-upon prior art, and that this application, as a whole, is in condition for allowance. Early and favorable notice to that effect is therefore respectfully solicited.

If any questions remain, the Examiner is asked to contact the undersigned for further discussion.

Respectfully submitted,

By


Joseph M. Potenza
Registration No. 28,175

BANNER & WITCOFF, LTD.
1001 G Street, N.W., 11th Floor
Washington, D.C. 20001
(202) 508-9100

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